

SUBMISSION ON
HUTT CITY COUNCIL - PROPOSED DISTRICT PLAN

To: Chief Executive, Hutt City Council
Via email to: district.plan@huttcity.govt.nz

Submission on: Proposed Lower Hutt District Plan 2025

Name of Submitter: **Urban Edge Planning Ltd**
on behalf of David and Caroline Skelley

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- This is a submission made on behalf of David and Caroline Skelley concerning the Proposed District Plan as notified by Hutt City Council on 6 February 2025.
- The specific provision of the Proposed District Plan that this submission relates to is the proposed zoning of the site at 1A Mackenzie Road, Eastbourne as Natural Open Space Zone.
- David and Caroline Skelley could not gain an advantage in trade competition through this submission.
- David and Caroline Skelley wish to be heard in support of this submission and will consider presenting a joint case if others make a similar submission.
- **Urban Edge Planning on behalf of David and Caroline Skelley seeks the zoning of the site at 1A Mackenzie Road, Eastbourne as Medium Density Residential Zone and the inclusion within the 18m Height Control Overlay.**



SITE CONTEXT

This submission relates to the site at 1A Mackenzie Road, Eastbourne.



Figure 1: 1A Mackenzie Road, Eastbourne, outlined in yellow (Source: GRIP)

The site can be described as follows:

Address	1A Mackenzie Road, Eastbourne
Size	619m ²
Title	WN844/5
Parcel ID	7024900
Legal description	Lot 4 Deposited Plan 13343
Location	The site is located to the north-eastern side of Mackenzie Road, approximately 55m from the Eastbourne village centre (to the west), abutting the East Harbour Regional Park to the south and east, and adjacent to residential properties along Muritai Road.
Operative DP Zoning	Medium Density Residential Zone
Operative DP Overlays	<ul style="list-style-type: none"> 18m Height Control Overlay
Proposed DP Zoning	Natural Open Space Zone
Proposed DP Overlays	<ul style="list-style-type: none"> Highly Constrained Roads Overlay – Mackenzie Road Slope Assessment Overlay Coastal Environment

Current Use and Development	<p>The subject site is undeveloped. The property is steep and densely vegetated with a mix of native and exotic plant species. Access to the property is via an informal 'goat track' from Mackenzie Road and is suitable for pedestrians only.</p> <p>Resource consent was obtained in August 2024 for the construction of a dwelling including associated vegetation clearance and earthworks (RM230298). The consent is for a three-storey, two-bedroom dwelling.</p>
Surrounding Area	<p>The site adjoins public reserve land to the south and east (East Harbour Regional Park), with residential properties to the north, west, and further south along Mackenzie Road. Eastbourne village centre is located in close proximity and provides a mix of commercial and retail uses.</p> <p>Current Zoning</p> <ul style="list-style-type: none"> ▪ General Recreation and Landscape Protection zoning for land forming the East Harbour Regional Park, with partial overlay of SNR:36. ▪ Directly abutting and surrounding residential sites to the north and west are primarily within the Medium Density Residential Zone and subject to an 18m Height Control Overlay. ▪ Hill Residential zoning applies to residential sites further south along Mackenzie Road. ▪ Suburban Mixed Use zoning applies within Eastbourne village centre, coupled with a 22m Height Control Overlay. ▪ Much of the flat land below the application site is located within Coastal Hazard – Inundation and Tsunami overlays. <p>Proposed Zoning</p> <ul style="list-style-type: none"> ▪ Natural Open Space Zone for land forming the East Harbour Regional Park, with partial overlay of High and Very High Coastal Natural Character Area. ▪ Surrounding residential sites to the north and west are primarily within the Medium Density Residential Zone and partially subject to an 18m Height Control Overlay. ▪ Large Lot Residential zoning is proposed for residential sites to the south, accessed off Mackenzie Road. ▪ Local Centre Zoning proposed for Eastbourne village, coupled with an 'Active Street Frontage' overlay and 22m Height Control Overlay. Other non-residential sites are proposed to be Mixed Use Zone. ▪ Much of the flat land below the application site is subject to Tsunami, Coastal Inundation and Flood Hazard Overlays, while the steeper slopes are subject to the Slope Assessment Overlay. ▪ The wider area is also subject to the Coastal Environment Overlay. ▪ Properties along the north-eastern side of Mackenzie Road are located within the Highly Constrained Roads Overlay.

PLANNING CONTEXT

Operative District Plan

Under the Operative District Plan the site at 1A Mackenzie Road is within the Medium Density Residential Activity Area (MDRAA) and benefits from an 18m Height Control Overlay. No other precincts, notations or overlays apply.

The Medium Density Residential Activity Area covers extensive portions of Lower Hutt's residential areas and typically applies where sites have some restriction on access to commercial centres, community facilities and/or rapid transit services. It provides predominantly for residential activities of a low to medium density form. Notably, the 18m height control overlay identifies 1A Mackenzie Road as being suitable for a more intensive development form due to proximity to the Eastbourne village centre.

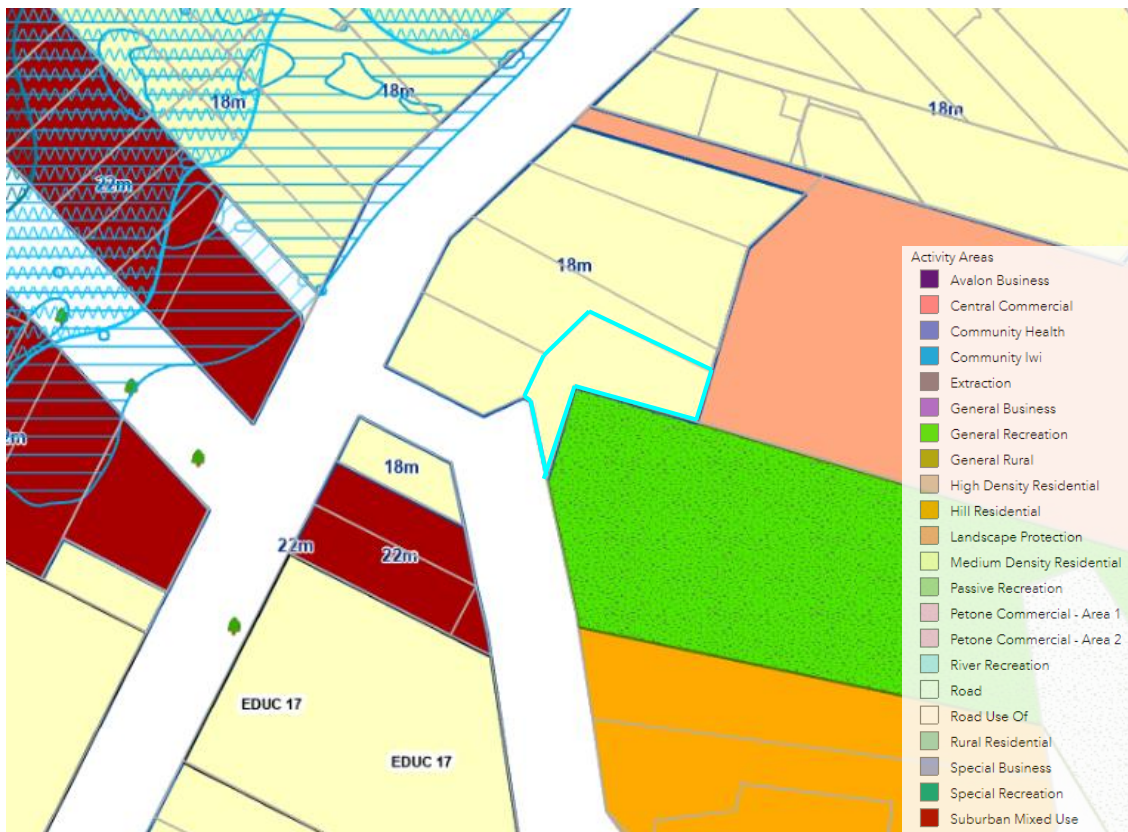


Figure 2: ODP Zones; site outlined in aqua (Source: HCC GIS Viewer)

Proposed District Plan

The Proposed District Plan seeks the zoning of the site at 1A Mackenzie Road as Natural Open Space and introduces a Slope Assessment Overlay, Coastal Environment Overlay, and Highly Constrained Roads Overlay to the site.

Natural Open Space Zone

The Natural Open Space Zone (NOSZ) is proposed to apply to areas of public land in Lower Hutt that are dominated by natural landscapes with low levels of built development, and includes the East Harbour Regional Park (abutting 1A Mackenzie Road). The zoning is proposed to foster conservation and recreation uses, development necessary to support such uses, or infrastructure with a functional or operational need to be located within the zone.

Slope Assessment Overlay

The Slope Assessment Overlay has been assigned a Medium Hazard Ranking. Under the proposed provisions of the Natural Hazards Chapter any subdivision within the Slope Assessment Overlay is a restricted discretionary activity and must provide a geotechnical assessment that confirms the suitability of the site and the management of any potential risk from slope instability. Under the proposed Earthworks Chapter, any earthworks to form a building platform for potentially sensitive

or sensitive activities within the Slope Assessment Overlay would require consent as a restricted discretionary activity and must provide a geotechnical assessment to ensure site suitability.

Coastal Environment Overlay

The Coastal Environment Overlay identifies terrestrial areas where coastal processes, influences or qualities are significant and encapsulates both remote, rural areas and developed suburban areas. The proposed provisions permit, *inter alia*, indigenous vegetation clearance, land use activities, and the demolition and construction of buildings and structures outside of any High, Very High or Outstanding Coastal Natural Character Areas (none of which apply to 1A Mackenzie Road). Subdivision within the Coastal Environment is a controlled activity, subject to being outside of the High, Very High, or Outstanding Coastal Natural Character Areas.

1A Mackenzie Road is not subject to any proposed Coastal Hazard overlay.

Highly Constrained Roads Overlay

The Highly Constrained Roads Overlay identifies roads with limits on existing safe operation and constraints to future upgrades. The proposed provisions set limits on the level of residential or non-residential activity that can occur as a permitted activity on sites within the overlay, while subdivision requires consent as a discretionary activity. Assessment must consider whether a proposal will increase motor vehicle trips, and if so, whether this can be done safely and efficiently.

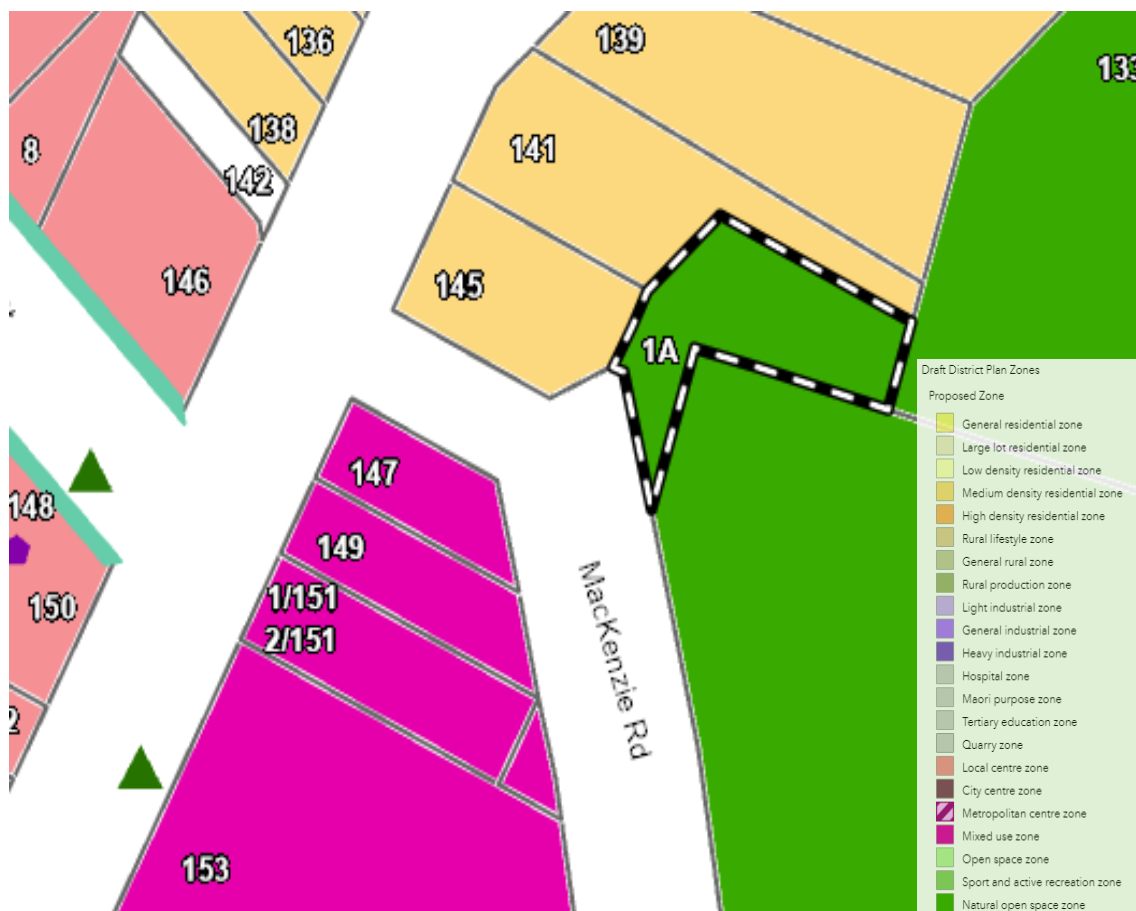


Figure 3: PDP Zones (Source: HCC Proposed District Plan Viewer)



Figure 4: PDP Overlays (Source: HCC Draft District Plan Viewer)

SUBMISSION

Submission

This submission opposes the proposed zoning of the site at 1A Mackenzie Road as Natural Open Space Zone and requests the zoning as Medium Density Residential Zone, plus inclusion within the 18m Height Control Overlay.

The site is held in private ownership and does not form part of the adjacent East Harbour Regional Park, whereby zoning the site as Natural Open Space is inappropriate. The objectives, policies and rules framework for the Natural Open Space zone are specifically designed to support development and use of public open space; public recreational opportunities cannot be realised within the site, as the public do not have general rights of access.

The proposed zoning provisions do not lend themselves to reasonable use of private land. Notably, resource consent has been obtained to erect a dwelling at 1A Mackenzie Road (RM230298). Under the proposed Natural Open Space provisions, residential units would only be permitted onsite where they are ancillary to provision of recreation and conservation activities, alongside repair and maintenance of existing buildings. This rule structure is fundamentally in opposition to current ownership and development plans. We therefore seek a more appropriate residential zoning for the site.

1A Mackenzie Road is presently located within the Medium Density Residential Activity Area (MDRAA) and subject to the 18m Height Control Overlay, as introduced by Plan Change 56 (PC56). This was made operative in September 2023 to give effect to the National Policy Statement on Urban Development. It was chosen to “*apply the more suburban character MDRAA with a height uplift to these areas, which imposes a more appropriate character for the nearby small commercial centres*”

and surrounding residential context of these areas”¹ whilst recognising the limiting factor of services for intensification within Eastbourne. The immediately abutting sites to the north of the property are proposed to remain within the Medium Density Residential Zone (MRZ) and 18m Height Control Overlay under the Proposed District Plan. Applying the same zoning and Height Control Overlay to 1A Mackenzie Road will be consistent with the methodology applied under PC56, and consistent with the adjacent zoning and anticipated density of the surrounding area.

The proposed Highly Constrained Roads Overlay (HCR) is intended to identify, address and manage traffic effects from use and subdivision of 1A Mackenzie Road upon the roading network. This is acceptable in principle. Nevertheless, there are some inconsistencies within the associated rules framework and the proposed extent and location of the HCR:

- The HCR overlay as proposed only applies to properties to the north-east of the Mackenzie Road and not those to the south-west (eg. 20 and 22 Mackenzie Road).
- The HCR overlay captures some, but not all, Natural Open Space land accessible via Mackenzie Road. For example, Lot 6 DP4468 and Lot 1 DP7419 are within the Highly Constrained Roads overlay, yet Sections 92 and 94 Harbour District are not.
- The proposed rules framework applies activity escalations inconsistently. Under the Transport Chapter, any proposal for more than one residential unit on site escalates to a Non-Complying activity. By comparison, any proposal to subdivide a site within the HCR overlay is a Discretionary activity.
- The tests for allowing activities on sites within the HCR overlay also vary between the chapters. Under policy TR-P6 of the Transport provisions there are three pathways to allowing development (no increase in motor vehicle trips **or** additional motor vehicle trips will not worsen the safe operation of the road **or** suitable road improvements are made/paid for). Under the Subdivision provisions, SUB-P24 sets out two pathways to allowing development (additional transport demand can be safely and efficiently accommodated **and** necessary improvements or upgrades to the roads are implemented prior to any additional use or development).

The submission does not seek to comment on the proposed provisions for the Slope Assessment and Coastal Environment Overlays, beyond acknowledging that the Proposed District Plan seeks to apply them to the subject site. The Slope Assessment Overlay provides scope for the consideration of site stability during earthworks and subdivision, and application of the Coastal Environment Overlay is acceptable.

Overall, we consider there is no justification for the application of the Natural Open Space Zone to the site at 1A Mackenzie Road.

Urban Edge Planning on behalf of David and Caroline Skelley therefore opposes the proposed zoning of the site as Natural Open Space and seek the zoning as Medium Density Residential with an 18m Height Control Overlay.

¹ Entitled “Reporting Officers’ Written Response to Hearing – District Plan Change 56”, dated 9 June 2023, paragraphs 106-109.



The requested residential zoning would provide for the development of the site at a density level that aligns with the development anticipated and enabled in surrounding residential areas, both under Operative and Proposed District Plan provisions. Any potential constraints that could limit the development potential of the site can be appropriately addressed and managed through overlays.



Conclusion

Urban Edge Planning on behalf of David and Caroline Skelley seek the following decision from Council:

- **Zoning of the site at 1A Mackenzie Road as Medium Density Residential Zone**
- **Inclusion within the 18m Height Control Overlay**
- **Any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission**

The requested residential zoning would provide for enduring residential use and development of 1A Mackenzie Road, an approach that is aligned with the current ownership and approved development plans for the site.



Kerry Wynne
Urban Edge Planning Ltd

On behalf of:
David and Caroline Skelley

20 March 2025

